

PYROTECHNIC SHOOTER LAW

CODE OF ALABAMA

8-17-230 THROUGH 8-17-239

THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER IN THE 2018 REGULAR SESSION, EFFECTIVE MARCH 28, 2018. THIS IS NOT IN THE CURRENT CODE SUPPLEMENT.

Section 8-17-230

For the purposes of this article, the following terms shall have the following meanings:

- (1) AMERICAN PYROTECHNICS ASSOCIATION. An association of the fireworks industry promoting safety and regulatory compliance in the design and use of legal fireworks.
- (2) ASSISTANT. A person who works under the supervision of a pyrotechnic operator in accordance with NFPA 1123, NFPA 1126, and NFPA 160.
- (3) CO-LEAD. A person who works under the supervision of a pyrotechnic operator in accordance with NFPA 1123, NFPA 1126, and NFPA 160 and is in training to become a pyrotechnic display operator or pyrotechnic special effects operator, or both.
- (4) CONSUMER FIREWORKS. Small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission that are not being modified or used in any way other than as originally intended.
- (5) DISPLAY FIREWORKS. Large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation as well as consumer fireworks devices that are being modified and used in a way other than as originally intended.
- (6) FIREWORKS. Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by deflagration or detonation, that meets the definition of consumer fireworks or display fireworks as provided in NFPA 1123 or NFPA 1126.
- (7) FIREWORKS DISPLAY. A presentation of fireworks for a public or private gathering.
- (8) FLAME EFFECT. The combustion of solids, liquids, or gases utilizing atmospheric oxygen to produce thermal, physical, visual, or audible phenomena before an audience as defined by NFPA 160.

(9) LICENSE HOLDER. An individual employed by a company or organization, or self-employed, who holds a distributor permit in the state and whose employee is licensed as a pyrotechnic display operator or pyrotechnic special effects operator under this article and who is holding the license for a company or individual who is not licensed to conduct a fireworks display, proximate audience display, flame effect, or any other special effects.

(10) NATIONAL FIRE PROTECTION ASSOCIATION (NFPA). A United States trade association that creates and maintains private, copyrighted standards and codes for usage and adoption by local governments.

(11) NFPA 160. The National Fire Protection Association publication relating to standards for flame effects before an audience, as adopted by the State Fire Marshal.

(12) NFPA 1123. The National Fire Protection Association publication relating to a code for fireworks display, as adopted by the State Fire Marshal.

(13) NFPA 1126. The National Fire Protection Association publication relating to standards for the use of pyrotechnics before a proximate audience, as adopted by the State Fire Marshal.

(14) PROXIMATE AUDIENCE DISPLAY. A display in which the audience is closer to pyrotechnic devices than permitted by NFPA 1123.

(15) PYROTECHNIC DISPLAY OPERATOR. A person with overall responsibility for the operation and safety of a fireworks display in accordance with NFPA 1123 who is licensed under this article.

(16) PYROTECHNIC SPECIAL EFFECTS OPERATOR. A person who is responsible for pyrotechnic and special effects safety in accordance with NFPA 1126 and NFPA 160, who controls, initiates, or otherwise creates pyrotechnics and special effects, and is responsible for storing, setting up, and removing special effects, pyrotechnic materials, and devices after a performance.

(17) SUPERVISION. The direction and management of the activities of personnel in the safety, setup, handling, and display of an outdoor pyrotechnic display, a proximate audience display, a flame effect display, or any other use of pyrotechnics.

(Act 2018-464, §1.)

Section 8-17-231

(a) The State Fire Marshal shall regulate pyrotechnic displays and shall issue pyrotechnic display operator and pyrotechnic special effects operator licenses as provided in this article.

(b) A person may not provide a fireworks display without a pyrotechnic display operator license. An applicant for a pyrotechnic display operator license shall submit all of the following to the State Fire Marshal:

(1) Proof that the applicant is 21 years of age at the time of application.

(2) Proof of successful completion, with a passing score of 75 percent or greater, of an eight-hour training program approved by the State Fire Marshal for pyrotechnic display operators. The training program test shall be given under the supervision of a person appointed by the State Fire Marshal.

(3) Verifiable evidence of safe performances in active participation as a co-lead for at least six fireworks displays under the direct supervision of a competent licensed pyrotechnic display operator.

(4) Proof of a current Employer Possessor Letter of Clearance issued to the individual by the Bureau of Alcohol, Tobacco and Firearms.

(5) An application fee of one hundred twenty dollars (\$120).

(c) Each pyrotechnic display operator licensee requesting renewal of his or her license, shall submit proof of all of the following to the State Fire Marshal:

(1) Completion of an eight-hour continuing education training program approved by the State Fire Marshal for pyrotechnic display operators within the two-year license period. The training program shall be taught by an organization, display company, or individual approved by the State Fire Marshal.

(2) Active participation as a pyrotechnic display operator in the safe performance of at least two fireworks displays within the two-year license period.

(3) Proof of a current Employer Possessor Letter of Clearance issued to the individual by the Bureau of Alcohol, Tobacco and Firearms.

(4) A signed affidavit stating that the licensee has committed no felonies within the two-year license period.

(5) A renewal fee of one hundred twenty dollars (\$120).

(d) A pyrotechnic display operator license shall expire two years after issuance, unless renewed before expiration.

(Act 2018-464, §2.)

Section 8-17-232

(a) A person may not provide pyrotechnics display, special effects, and flame effects in which the audience is closer to the devices than permitted by NFPA 1123 or in compliance with NFPA 160, or both, without a pyrotechnic special effects operator license. An applicant for a pyrotechnic special effects license shall submit all of the following to the State Fire Marshal:

- (1) Proof that the applicant is at least 21 years of age at the time of application.
- (2) Proof of successful completion, with a passing score of 75 percent or greater, of a 16-hour proximate pyrotechnics training program approved by the State Fire Marshal for pyrotechnic special effects operators. The training program test shall be given under the supervision of a person appointed by the State Fire Marshal.
- (3) Verifiable evidence of active participation as a co-lead in the safe performance of at least six proximate audience displays or flame effects, or both, under the direct supervision of a competent licensed pyrotechnic special effects operator.
- (4) Proof of a current Employer Possessor Letter of Clearance issued to the individual by the Bureau of Alcohol, Tobacco and Firearms.
- (5) An application fee of one hundred twenty dollars (\$120).

(b) Each pyrotechnic special effects operator licensee requesting renewal of his or her license shall submit proof of all of the following to the State Fire Marshal:

- (1) Completion of a 16-hour continuing education training program approved by the State Fire Marshal for pyrotechnic special effects operators within the two-year license period. The training program shall be taught by an organization, display company, or individual approved by the State Fire Marshal.
- (2) Active participation as a pyrotechnic special effects operator in the safe performance of at least two proximate audience displays or flame effects, or both, within the two-year license period.
- (3) Proof of a current Employer Possessor Letter of Clearance issued to the individual by the Bureau of Alcohol, Tobacco and Firearms.
- (4) A signed affidavit stating that the licensee has committed no felonies in this state or another state within the two-year license period.
- (5) A renewal fee of one hundred twenty dollars (\$120).

(c) A pyrotechnic special effects operator license shall expire two years after issuance, unless renewed before expiration.

(Act 2018-464, §3.)

Section 8-17-233

(a) The State Fire Marshal may license pyrotechnic display operators and pyrotechnic special effects operators by reciprocity. An applicant for a license by reciprocity shall be 21 years of age and satisfy the requirements of subsection (b) or subsection (c).

(b) For a pyrotechnic display operator license, the applicant shall submit all of the following to the State Fire Marshal:

(1) Proof of a current Employer Possessor Letter of Clearance issued to the individual by the Bureau of Alcohol, Tobacco and Firearms or consent to a criminal history background check by the State Fire Marshal.

(2) Proof of successful completion, with a passing score of 75 percent or greater, of an eight-hour training program approved by the State Fire Marshal for pyrotechnic display operators. The training program test shall be given under the supervision of a person appointed by the State Fire Marshal.

(3) Verifiable evidence of safe performances as an operator for at least six fireworks displays.

(4) A copy of the license of the applicant issued by the other state.

(5) A reciprocal license fee of one hundred twenty dollars (\$120).

(c) For a pyrotechnic special effects operator license, the applicant shall submit all of the following to the State Fire Marshal:

(1) Proof of a current Employer Possessor Letter of Clearance issued to the individual by the Bureau of Alcohol, Tobacco and Firearms or consent to a criminal history background check by the State Fire Marshal.

(2) Proof of successful completion, with a passing score of 75 percent or greater, of a 16-hour proximate pyrotechnics training program approved by the State Fire Marshal for pyrotechnic special effects operators. The training program test shall be given under the supervision of a person appointed by the State Fire Marshal.

(3) Verifiable evidence of safe performances as an operator for at least six proximate audience displays.

(4) A copy of the license of the applicant issued by the other state.

(5) A reciprocal license fee of one hundred twenty dollars (\$120).

(d) A reciprocal license shall expire two years after issuance, unless renewed before expiration.

(Act 2018-464, §4.)

Section 8-17-234

(a) An unlicensed company or individual that plans to conduct a fireworks display, proximate audience display, flame effects, or other special effects in this state using fireworks shall first hire a licensed pyrotechnic display operator or a pyrotechnic special effects operator to act as license holder and shall comply with all other state and federal laws.

(b) This section shall not apply to a person who is conducting an uncompensated display using only consumer fireworks on private property.

(Act 2018-464, §5.)

Section 8-17-235

The use of hazardous explosive materials for entertainment purposes not directly referenced in this article is prohibited unless approved by the State Fire Marshal prior to use.

(Act 2018-464, §6.)

Section 8-17-236

(a) Any person who is certified as a lead technician by the State Fire Marshal on or before June 1, 2018, may apply to the State Fire Marshal under this article for a pyrotechnic display operator license or a pyrotechnic special effects operator license. The application shall be submitted before midnight on December 31, 2019, and shall satisfy the requirements of subsection (b) or subsection (c), as applicable.

(b) For a pyrotechnic display operator license, the applicant shall submit all of the following to the State Fire Marshal:

(1) Proof of completion of an eight-hour training program approved by the State Fire Marshal for pyrotechnic display operators.

(2) Proof of a current Employer Possessor Letter of Clearance issued to the individual by the Bureau of Alcohol, Tobacco and Firearms or consent to a criminal history background check by the State Fire Marshal.

(3) A completed affidavit or other documentation confirming that the applicant has no felony convictions in this state or another state.

(4) A completed license application packet.

(5) An application fee of one hundred twenty dollars (\$120).

(c) For a pyrotechnic special effects operator license, the applicant shall submit all of the following to the State Fire Marshal:

(1) Proof of completion of 16-hour training program approved by the State Fire Marshal for pyrotechnic special effects operators.

(2) Proof of a current Employer Possessor Letter of Clearance issued to the individual by the Bureau of Alcohol, Tobacco and Firearms or consent to a criminal history background check by the State Fire Marshal.

(3) A completed affidavit or other documentation confirming that the applicant has no felony convictions.

(4) A completed license application packet.

(5) An application fee of one hundred twenty dollars (\$120).

(Act 2018-464, §7.)

Section 8-17-237

(a) A pyrotechnics display operator license or pyrotechnic special effects operator license issued under this article authorizes the holder to act pursuant to that license until the license is suspended, revoked, or not renewed. Upon the suspension or revocation of a license, or the failure to renew a license, the licensee shall return the license to the State Fire Marshal. Each license is valid for two years, unless suspended or revoked.

(b) All fees collected pursuant to this article shall be deposited in the State Treasury to the credit of the State Fire Marshal's Fund authorized in Section 24-5-10. The State Fire Marshal may expend monies from the State Fire Marshal's Fund for the administration and enforcement of this article.

(Act 2018-464, §8.)

Section 8-17-238

Any individual, firm, partnership, or corporation that violates this article shall be guilty of a Class A misdemeanor.

(Act 2018-464, §9.)

Section 8-17-239

This article shall be read in pari materia with Article 8, commencing with Section 8-17-210, of Chapter 17, Title 8.

(Act 2018-464, §10.)